

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: EIND, UR

SUBJECT: SOVIET COPYRIGHT PRACTICE

1. FYI: ON FEB. 22 REPRESENTATIVES FROM GOVERNMENT PRINTING OFFICE, DEPARTMENT OF AIR FORCE (JAG), DEPARTMENTS OF COMMERCE, ATOMIC ENERGY COMMISSION, NATIONAL LIBRARY OF MEDICINE, AGRICULTURE, COPYRIGHT OFFICE, NATIONAL SCIENCE FOUNDATION AND STATE MET TO DISCUSS POSITIONS THAT MIGHT BE TAKEN IN NEGOTIATING WITH ALL-UNION COPYRIGHT AGENCY (VAAP), IF NECESSARY, FOR PERMISSION TO TRANSLATE AND REPRODUCE SOVIET COPYRIGHTED MATERIALS; PARTICIPANTS AGREED THAT WHILE DIFFERENT USG AGENCIES MIGHT REACH DIFFERENT TYPES OF ARRANGEMENTS WITH SOVIETS (E.G., QUID-PRO-QUO BARTER DEALS, PAYMENT OF ROYALTIES, ETC.), DEPENDING ON NEEDS AND COPYRIGHT STATUS OF WORKS DESIRED, A DECISION REGARDING THE BEST TYPE OF AGREEMENT REQUIRED MORE INFORMATION THAN WAS AVAILABLE ON SOVIET COPYRIGHT PRACTICES THUS FAR.

2. NEGOTIATING POSITION OF SOME USG AGENCIES INVOLVED

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IN DEALING WITH SOVIETS IS COMPLICATED BY FACT THAT PUBLI-

CATIONS OF THE USG ARE GENERALLY NOT ELIGIBLE FOR COPYRIGHT UNDER U.S. LEGISLATION. THUS, THEY MAY BE REPRODUCED WITHOUT PERMISSION OR PAYMENT OF ROYALTIES. THERE IS SOME ARGUMENT, HOWEVER, THAT DESPITE THIS FEATURE OF U.S. LAW, USG PUBLICATIONS MAY BE ENTITLED TO USSR COPYRIGHT PROTECTION UNDER THE UCC'S "NATIONAL TREATMENT" OBLIGATION, IF SOVIETS ACCORD COPYRIGHT PROTECTION TO COMPARABLE GOVERNMENT PUBLICATIONS UNDER THEIR LAW. FURTHER CONSIDERATION REQUIRES GREATER INFORMATION ABOUT SOVIET COPYRIGHT PRACTICES. END FYI

3. ACTION REQUESTED: DEPARTMENT WOULD APPRECIATE EMBASSY CONTACTING ALL-UNION COPYRIGHT AGENCY AND/OR SEEKING TO DETERMINE FROM ITS OWN OBSERVATIONS AND CONTACTS, ANSWERS TO OR INFORMATION BEARING ON FOLLOWING QUESTIONS: (A) DO SOVIETS REGARD PUBLICATIONS DONE UNDER GOVERNMENTAL CONTROL OR DIRECTION AS COPYRIGHTABLE UNDER THEIR LAW? IF SO, WHO OWNS SUCH COPYRIGHTABLE WORKS (DOES ACTUAL AUTHOR RETAIN ANY INTERESTS?) (B) WHAT COPYRIGHT TREATMENT IS AFFORDED TO PUBLICATIONS OF ALL-UNION SOVIET ACADEMY OF SCIENCES, REPUBLIC ACADEMIES, ETC.? IS THERE A DISCERNABLE TREND OR PATTERN TO THEIR COPYRIGHT PRACTICE WITH RESPECT TO THESE MATERIALS? (C) DO SOVIETS INTEND TO SECURE COPYRIGHT PROTECTION THROUGH THE UCC ON ALL OF ITS PUBLICATIONS, WHETHER DOMESTICALLY COPYRIGHTABLE OR NOT? IF NOT, WHAT ARE THE EXCEPTIONS?

4. IF ASKED WHY INQUIRY IS BEING MADE, EMBASSY SHOULD SAY THAT IT IS DESIGNED TO LEARN MORE ABOUT SOVIET COPYRIGHT LAW AND PRACTICE. EMBASSY SHOULD NOT INDICATE THAT IT MAY BE LINKED TO NEGOTIATIONS BETWEEN USG AGENCIES AND USSR ON TRANSLATION AND PUBLICATION OF OUR RESPECTIVE GOVERNMENT PUBLICATIONS. KISSINGER

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